

February 23, 2006 Minutes of Bigfork Land Use Advisory Committee

Members Present; John Bourquin, Scott Hollinger , Jack Paulson, Clarice Ryan

Acting Chairman called the meeting to order at 4:02 She presented her agenda. (see attached).

NEW BUSINESS

Item 1: A Zone change request in the Bigfork Zoning District by Dale Mc Murren, KSG Holdings, (Joe and Gina Klempel), and Eat 385 LLC. (Edward and Valerie Radtke), from AG-20 (Agricultural, 20 acres) and AG-40 (Agricultural 40, to Sag-5 (Suburban Agricultural). The property is located approximately ¼ mile east of US 35 off Coverdell Road, and contains 266.45 acres.

Staff: Tracy from Staff described the property as 275311315, 465 Coverdell Rd. The staff has also recommended that the gravel pit be included in this request also. There is another portion on one corner that might require another notification, and public hearing. This proposal is consistent some of the zoning in the area. We have received no public comment about this request.

Applicant: Johnna Morrison of Schwarze Architecture and Engineering Inc. spoke for the applicants. She presented a map showing that the property has Sag -5 and AG-40 zones surrounding the property with so much Sag-5 agricultural use goes away. The gravel pit changes from a conditional use permit for expansion to a conditional use of a non conforming area The client is a little hesitant to pull in the gravel pit as part of the zone change but agreed to do that. Bigfork is changing quickly and Bigfork Water and Sewer is coming in this direction. On a Sag-5 you could do a small cluster subdivision and still maintain the openness of the area. Klempel doesn't have plans at this point so there is no development. They are looking to their future and to plan their area as they feel it needs to be planned.

Public Comment:

Sally Proctor asked why do they need to rezone now if this is a project for the future.

Lee Proctor They are breaking up so many large tracts that Bigfork will lose that rural quality . Once large tracts are broken they get smaller and smaller. The county plan is due out soon and I would encourage the board to take that in consideration. The board should also take into consideration an industrial zone in the middle of a residential area. I also think it is a neighborly thing for neighbors to come together to talk about plans. We moved to that area because of the large lots so I think our property rights should also be considered. This has huge implications on the community as a whole. I would also like to hear this boards vision for Bigfork. I don't think because we have a Sag-5 here and there that we need to make more. That is not sound reasoning.

Boyd Morrison I have lived in Lower Valley since 1977. Why do you think you need all these Sag-5s. I have seen all these Sag-5 lots spring up. It goes beyond money. Why can't you keep the integrity of Bigfork?

John Murlette : I have three points to bring up. 1. I live N north and West of the Klempel property. My property adjoins theirs and I did not receive a notice of this meeting. 2. Several months ago when the Klempels petitioned for their conditional use permit, to expand their gravel pit if you go back and check your minutes I said I had a vision that as soon as they had all their gravel they would petition for a residential zone I was wrong instead of 10 or 15 years they did it in less than one year. 3. The Klempels were supposed to pave the road and the job was never done. With that in mind it shows what diligence they have I worry about what will happen in the future. In summary a gravel pit has no place in a residential area and a residential area has no place in an industrial area, The Gravel pit is dangerous in an area where there are children, it is fool hardy . They should be allowed to have one or the other and that goes for anyone else that wants to subdivide in the area.

Mary Jo Naive I live 2 properties north. It seems incongruous to me to have this residential zoning with a gravel pit still in operation. You should preserve large tracts when possible. This preserves the character of the land. Given the fact there are no future plans why can't you wait until the gravel pit runs its course?

Boyd Morrison You people are the stewards of the land.

Jeffrey Funk I don't live adjacent to the property in question. I live on McCaffrey Rd and I am here in a general sense. The process, concept and philosophy of zoning is to provide stability for future generations. Agricultural land is being usurped at an incredible rate. Unless we want to buy all our food from California, Mexico and other places we need to take heed.

Sally Proctor Once you have done this you can't put it back, it causes growth and whether our community can handle that growth is questionable.

Elna Darrow I wish to suggest for your consideration that the reason you are not hearing anything good about this proposal there isn't anything good about this proposal.

Responses: Johnna Morrison: John Murlette should have received a certified letter. Staff recommending the gravel pit be included came directly from Jeff Harris, it is at most a reversal spot zoning. My clients are looking to their future, trying to plan their properties to their future and they can't wait until the growth policy comes out in October 2006.

Gina Klempel stated the Coverdell Rd is a private road and they do intend to pave. She also said she had written a letter. (see Attached)

Board Discussion:

Jack Paulson: I can understand the concerns for open space but it is too hard to raise enough on the land to make it pay. I can't raise enough hay on my 35 acres out there to pay the taxes. You should be able to do what you want with your land. I do believe in

proper planning but private property rights should come first. All the do gooders want to do is put their requirements on my property and that is not fair

Scott Hollinger: Basic Land Use Planning means there should be logical succession in zoning and not spot zone. The results of the BSC survey showed people want 5 acre tracts, 5 acre tracts all over the place. I think that is flawed. We have been asked many times to preserve the custom, culture and heritage of Bigfork and Montana. When anyone buys and owns land they have the liberty to determine the destination of that land. If they are too old or can't afford to farm they should have the right short of mass destruction to determine what they want to do with their property. We are stewards and we should do what is good for individual parcels of land, for Bigfork and our neighbors including Flathead County.

John Bourquin: I have 2 concerns. There doesn't seem to be anyone here to speak in favor of this zone change. The real thing to me is, I personally believe in zoning, and with the neighborhood plan that is coming forward and the bulk of it should be included in the growth plan this fall. Since they have no immediate plans to develop this property I would recommend that we do not change the zoning now and let the surrounding neighbors decide what zoning they want for their property.

Clarice Ryan: You can't have a gold mine without gold and you can't have a well without water and you can't have a gravel pit without gravel and they just happen to have excellent gravel. I lived in a gravel pit in Chicago and it was transformed. The ugly duckling becomes a beautiful swan. But also in the meantime it is providing a need for the community and as I said before you can't have paved roads without gravel and you can't have concrete without gravel. If we close all the gravel pits we will be shipping from Nebraska.

John Bourquin made a motion to deny the zone change. There was no second so the motion died.

Scott Holland made the motion to approve the zone change to Sag 5 and it was seconded.

John Bourquin then asked if the gravel pit would be grandfathered into the change, Scott Hollinger made an amendment to the original motion "That the gravel pit be included in the Sag 5 zone." It was seconded.

The amendment passed 4 to 0 and the original motion passed 3 to 1, Paulson, Ryan, Hollinger Aye and Bourquin Nay.

This application will now move to the Planning Board March 15, 2006 at 6:00 pm.

OLD BUSINESS

BSC members in attendance: Elna Darrow, Craig Wagner, Pat Wagner, Gary Ridderhoff, Terry Cusker

MINUTES

The minutes of the February 3, 2006 Special Election were approved as emailed

NOTE: The minutes of the January 26, 2006 BLUAC meeting were not approved and need to be done at the next meeting, February 23, 2006.

Acting Chair Clarice then reminded everyone that BLUAC elections will be held in May along with the School Board and Fire District. She has the forms that are necessary to be filled out and they need to be on file with the election board by March 23, 2006

The next item on the agenda was to hear some reports from the Steering Committee. John Bourquin, from the Government Committee, gave a report. His committee has been looking into different ways of governing Bigfork. They have looked into incorporation, pros and cons, resort tax with and without incorporation, resort tax with an elected district board and Edd Blackler is looking into what it takes to become a county. He feels this committee will be coming out with all their fact finding by the end of March.

BYLAWS

The Chair then eliminated any action on the by laws until more members are present.

ELECTIONS.

The chair then called for nomination for Vice Chair and Clarice Ryan volunteered for Vice Chairman. Scott Hollinger then called for a slate. We are voting for a Chairman, Vice Chairman and Secretary/Treasurer. Scott Hollinger was nominated for Chairman, Clarice Ryan volunteered for Vice Chairman and no one wanted to run for Secretary. Scott was elected as Chairman, Clarice for Vice Chairman and the position of Secretary remains open until the March 23, 2006, which is a week earlier due to spring break.

The meeting was then turned over to Chairman Scott Hollinger by the Acting Chairman.

Jack Paulsen then spoke about the BSC. He states he has attended some BSC meetings. They are going to make a proposal to incorporate downtown Bigfork and double the taxes. I would like to make a proposal or motion that The BLUAC eliminate the BSC as a subcommittee of the BLUAC. Motion was seconded. By Clarice Ryan.

Discussion then followed with John Bourquin stating that Jack had only been to a few Government Meetings not the BSC and that the charge given to the Government Committee was a fact finding mission and not to make any recommendations. Elna Darrow stated that she knows that the tenor of the committee is not headed toward incorporation. Pat Wagner also stated the same fact. Then there was a discussion about the secretary. There was more discussion about the survey and then the vote was called for. The motion passed 3 to 1, Hollinger, Paulson, Ryan voted Aye and Bourquin Nay.

The Chairman then made the proposal that the BSC come to the next meeting with a scope of things they would like to accomplish as a subcommittee. There was a heated

discussion between Elna Darrow and Scott Hollinger. The outcome was: according to Scott Hollinger that the BSC has been operating not under the scope for which it was intended and since we like to play by the rules now we should do it correctly. Since John is here he can make a motion today or next month. Clarice mentioned that she has looked at bylaws from different groups and bylaws in draft forms. We just don't have enough time to do what our bylaws say we should be doing." They (the BSC) have been a communications gap with the community." They might be able to help us. There was more discussion about how could the BLUAC not know about all the work the BSC has been doing with three BSC members on the BLUAC.

John Bourquin stated he thought the work we have been doing was an extension of the survey to contact the community, report the survey findings and find out what all the people do want. After more discussion on bylaws John Bourquin did make the motion, "The BSC is to continue under the BLUAC as a formal subcommittee to assist with the writing of the Bigfork growth policy in the spirit of cooperation." Seconded by Clarice Ryan.

Jack Paulson then proposed an amendment that no press releases be given out before contacting the BLUAC. After much, much discussion on lack of communications between the two groups and ways to amend this problem, Clarice the made a motion to adjourn. Scott consulted his rules of order and did not declare the meeting adjourned, but asked Clarice to withdraw her motion, which she did. There was a vote on Jack Paulsons motion it was 2 to 2 tie (Hollinger, Bourquin Nay, Ryan and Paulson Aye) and the motion died. A vote was taken on John Bourquin's motion and it passed 3 to 1 (Bourquin, Hollinger, Ryan Aye, Paulson Nay). Scott did mention that he should be putting the BSC on the agenda and would do so from now on and they can make a report and the BSC will see that they get the minutes of each meeting. Meeting was adjourned at 6:20.

Pat Wagner, Acting Secretary